

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:24-cv-00129-MOC-WCM

LAURA LAWTON FRASER )  
*individually and as co-trustee for* )  
the Laura Lawton Fraser and )  
Descendants Trust )  
*on behalf of* )  
Samuel Arnal, beneficiary of the )  
Laura Lawton Fraser and )  
Descendants Trust, )  
 )  
Plaintiff, )  
v. )  
 )  
WYMAN FRASER DAVIS )  
*individually and as trustee for* )  
the Laura Lawton Fraser and )  
Descendants Trust, )  
 )  
Defendant. )  
\_\_\_\_\_ )

ORDER

This matter is before the Court on a “Joint Notice of Consent to Stay Litigation to Proceed in Arbitration,” which the undersigned will construe as a motion (the “Motion to Stay,” Doc. 4).

Therein, the parties represent that they have “agreed to stay the current litigation and move all claims in this litigation (and any counterclaims arising from the claims) to the arbitration that is currently proceeding before Arbitrator Thomas L. Stephenson of Stephenson & Murphy, LLC in Greenville,

SC.” Doc. 4 at 1. The parties also note that the arbitration proceeding is scheduled for hearing in August 2024. Id.

The parties appear to agree that the claims in this matter are subject to arbitration and the Court will, in its discretion, stay this case. See Jiuna Wang v. NYZ Management Services, LLC, No. 3:19-cv-642-FDW-DSC, 2020 WL 2926477, at \*5 (W.D.N.C. June 3, 2020) (“While the district court has discretion to dismiss an action where all issues raised therein are arbitrable, the more common practice is to stay the action pending outcome of the arbitration”) (internal citation omitted, collecting cases).

**IT IS THEREFORE ORDERED THAT:**

1. The parties’ request, as contained in the Joint Notice of Consent to Stay Litigation to Proceed in Arbitration (Doc. 4), is **GRANTED** and this matter is **STAYED** pending the completion of arbitration.
2. The parties **SHALL FILE** a Joint Status Report every ninety (90) days advising of the status of arbitration, with the first Joint Status Report being due on or before **August 1, 2024**.

Signed: May 29, 2024



W. Carleton Metcalf  
United States Magistrate Judge

